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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/786,705
Filing Date: February 24, 2004
Appellant(s): JUNG ET AL.

Milin N. Patel
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/28/10 appealing from the Office action mailed 1/29/10.

(1) Real Party in Interest

The examiner has no comment on the statement, or lack of statement, identifying by name the real party in interest in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The following is a list of claims that are rejected and pending in the application:

Claims 1-15, 17-23, 48-62, 64-70, and 95-102

(4) Status of Amendments After Final

The examiner has no comment on the appellant's statement of the status of amendments after final rejection contained in the brief.

(5) Summary of Claimed Subject Matter

The examiner has no comment on the summary of claimed subject matter contained in the brief.

(6) Grounds of Rejection to be Reviewed on Appeal

The examiner has no comment on the appellant's statement of the grounds of rejection to be reviewed on appeal. Every ground of rejection set forth in the Office action from which the appeal is taken (as modified by any advisory actions) is being maintained by the examiner except for the grounds of rejection (if any) listed under the subheading "WITHDRAWN REJECTIONS." New grounds of rejection (if any) are provided under the subheading "NEW GROUNDS OF REJECTION."

(7) Claims Appendix

The examiner has no comment on the copy of the appealed claims contained in the Appendix to the appellant's brief.

(8) Evidence Relied Upon

2003/0045272	Burr	3-2003
2004/0215793	Ryan et al.	10-2004
6,269,369	Robertson	7-2001
2002/0184089	Tsou et al.	12-2002
7,024,690	Young et al.	4-2006
6,412,012	Bieganski et al.	6-2002
2005/0034099	Spooner	2-2005

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Appellant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
3. **Claims 1-3, 6, 7, 9-15, 17, 19-22, 48-50, 53-62, 64, 66-69, and 95-102** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr** (US 2003/0045272) in view of **Ryan et al.** (US 2004/0215793, hereinafter "Ryan").

In regards to **claim 1**, **Burr** teaches a method, comprising:

receiving data at a first hand-held device from a second hand-held device via short range communication, wherein the data includes a connection log, of the second hand-held device, that

specifies information relating to a previously established communication connection between the second hand-held device and one or more other hand-held device (**Burr; par [0017] – short-range communication; par [0018] – previously established communication connection; par [0019];**

determining, at the first hand-held device, a match between the data received at the first hand-held device and other data associated with one or more other hand-held device within a short-range communication range of the first hand-held device, wherein the other data includes a connection log, of the first hand-held device, that specifies information relating to a previously established communication connection between the first hand-held device and the one or more other hand-held device (**Burr; par [0018];** and

creating, at the first hand-held device, a log entry in accordance with the match (**Burr; par [0019]; par [0022]**).

Burr does not expressly teach generating a recommendation for presentation to a user of the first hand-held device in accordance with the match.

Ryan teaches generating a recommendation for presentation to a user of the first hand-held device in accordance with the match (**Ryan; pars [0232]–[0235] – presents recommendation that users A and B establish contact**).

It would have been obvious to one of ordinary skill in the art at the time of the appellant's invention to implement the method of Burr by incorporating the feature of Ryan, whereby when users with a common contact are in the same vicinity of each other, a recommendation will be generated that they meet, to further facilitate social networking (**Ryan; par [0232]—[0235]**).

In regards to **claim 2, Burr and Ryan** teach the method of claim 1, wherein the data received at the first hand-held device includes at least an identifier for data held by the second hand-held device (**Burr; par [0026]**).

In regards to **claim 3, Burr and Ryan** teach the method of claim 2, wherein the identifier is a unique identifier (**Burr; par [0026] – obvious that identifier would uniquely identify particular device**).

In regards to **claim 6, Burr and Ryan** teach the method of claim 2, wherein the data received at the first hand-held device includes a data element held by the second hand-held device (**Burr; par [0026]**).

In regards to **claim 7, Burr and Ryan** teach the method of claim 6, wherein the data element is a phone number (**Ryan; par [0065]**).

In regards to **claim 9, Burr and Ryan** teach the method of claim 1, wherein the data received at the first hand-held device is not browsable by the user (**Burr; par [0019]**).

In regards to **claim 10, Burr and Ryan** teach the method of claim 1, further comprising determining if the user already possesses data relating to the recommendation (**Ryan; pars [0232]-[0235]**).

In regards to **claim 11, Burr and Ryan** teach the method of claim 1, wherein the recommendation is provided at a particular period of time after the one or more criteria have been met (**Ryan; par [0232]**).

In regards to **claim 12, Burr and Ryan** teach the method of claim 1, wherein the recommendation is provided at a particular time of day after one or more criteria have been met (**Ryan; par [0232]** – “particular time of day” is a broad limitation; since a recommendation is clearly provided at a particular time, that time at which the recommendation is provided is interpreted to be “the particular time of day”).

In regards to **claim 13, Burr and Ryan** teach the method of claim 1, wherein the recommendation is provided after the user performs an operation with the first hand-held device (**Ryan; par [0232]**).

In regards to **claim 14, Burr and Ryan** teach the method of claim 1, wherein the recommendation suggests to the user addition of data relating to the data received at the first hand-held device (**Ryan; par [0235]** – **phone number**).

In regards to **claim 15, Burr and Ryan** teach the method of claim 14, wherein the data suggested for addition is held by the second hand-held device (**Ryan; par [0235]**).

In regards to **claim 17, Burr and Ryan** teach the method of claim 1, wherein Bluetooth is employed for the short-range communications (**Burr; par [0017]**).

In regards to **claim 19, Burr and Ryan** teach the method of claim 1, wherein one or more criteria provide for weighting of log entries (**Burr, par [0023]; Ryan, par [0074]**).

In regards to **claim 20, Burr and Ryan** teach the method of claim 1, wherein the recommendation is not provided after expiration of a validity period (**Ryan; par [0232]**).

In regards to **claim 21, Burr and Ryan** teach the method of claim 1, wherein the data received at the first hand-held device is updated (**Burr, par [0023], par [0030]; Ryan, par [0097]**).

In regards to **claim 22, Burr and Ryan** teach the method of claim 1, wherein the user is directed to a source for information regarding data suggested by the recommendation (**Ryan; par [0235]**).

Claims 48-50, 53, 54, 56-62, 64, and 66-69 are rejected with the same rationale given for claims 1-3, 6, 7, 9-15, 17, and 19-22, respectively.

Claims 95 and 96 are each rejected with the same rationale given for claim 1.

In regards to **claim 97, Burr and Ryan** teach the method of claim 1, further comprising:

transmitting, to the second hand-held device via the short range communication, information corresponding to the log entry (**Burr; par [0019]**).

Claims 98-100 are each rejected with the same rationale given for claim 97.

In regards to **claim 101, Burr and Ryan** teach the method of claim 1, wherein the connection log information includes either connection type, connection duration, time of connection, date of connection, or a combination thereof (**Burr, par [0022], par [0023]; Ryan, par [0053], par [0054]**).

In regards to **claim 102, Burr and Ryan** teach the method of claim 1, wherein the data from the second hand-held device further includes address book information or information about content stored on the second hand-held device (**Burr; par [0019]; par [0026]**).

4. **Claims 8 and 55** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Robertson** (US 6,269,369).

In regards to **claim 8, Burr and Ryan** teach the method of claim 6.

Burr and Ryan do not expressly teach the data element being a universal resource locator.

Robertson teaches a URL in an address book/contact list (**Robertson; col. 16, lines 56-57**).

It would have been obvious to implement the method of Ryan and Burr wherein URLs are included as part of the attributes of a contact that are exchanged when the contact lists are exchanged, as a further means of contacting or learning about an entity.

Claim 55 is rejected with the same rationale given for claim 8.

5. **Claims 23 and 70** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Tsou et al.** (US 2002/0184089, hereinafter “Tsou”).

In regards to **claim 23, Burr and Ryan** teach the method of claim 1.

Burr and Ryan do not expressly teach an advertiser learning if the user complied with the recommendation.

Tsou teaches providing a wireless user with promotional advertisements and providing the advertiser with statistics regarding the effectiveness of those advertisements (**Tsou; par [0016] – par [0018]**).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the appellant’s invention to implement the method of Burr and Ryan, whereby users would be notified of promotional offers/recommendations from advertisers, and the advertisers would be notified of whether the users clicked on, i.e. complied with, the recommended promotions (**Tsou; par [0049]; par [0052]**).

Claim 70 is rejected with the same rationale given for claim 23.

6. **Claims 18 and 65** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Young et al.** (US 7,024,690, hereinafter “Young”).

In regards to **claim 18, Burr and Ryan** teach the method of claim 1.

Burr and Ryan do not expressly teach employing a one-way hash of a unique identifier associated with the second hand-held device in creating the log entry.

Young teaches employing one-way hashes of identifiers to enhance security of wireless communications (**Young; Abstract**).

It would have been obvious to one of ordinary skill in the art at the time of the appellant’s invention to implement the method of Burr and Ryan, whereby the communication of data between the user hand-held devices is made more secure by employing one-way hashing, as taught by Young (**Young; Abstract**). The data transmitted to/from the wireless clients of Burr and Ryan, which is then used in determining matches/log entries, would thereby be more trusted.

Claim 65 is rejected with the same rationale given for claim 18.

7. **Claims 4 and 51** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Bieganski et al.** (US 6,412,012, hereinafter “Bieganski”).

In regards to **claim 4, Burr and Ryan** teach the method of claim 2.

Burr and Ryan do not expressly teach the identifier being an international standard book number.

Bieganski teaches recommending books to users via international standard book number (ISBNs) based on matches with books already selected by the user (**Bieganski; col. 18, line 50 – col. 19, line 11**).

It would have been obvious to one of ordinary skill in the art at the time of the appellant's invention to implement the method of Burr and Ryan, whereby ISBNs are sent to a user to recommend books that may be of interest to the user (**Bieganski; col. 18, line 50 – col. 19, line 11**).

Claim 51 is rejected with the same rationale given for claim 4.

8. **Claims 5 and 52** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Burr in view of Ryan, further in view of Spooner** (US 2005/0034099).

In regards to **claim 5, Burr and Ryan** teach the method of claim 2.

Burr and Ryan do not expressly teach the identifier being an international mobile equipment identity identifier.

Spooner teaches the use of a session specific identifier within a Symbian OS (**Spooner; par [0023]**).

It would have been obvious to one of ordinary skill in the art at the time of the appellant's invention to implement the method of Burr and Ryan using a Symbian identifier, as taught by Spooner, in order to check whether users or devices have the necessary rights to communicate (**Spooner; par [0023]**).

Claim 52 is rejected with the same rationale given for claim 5.

(10) Response to Argument

**A. CLAIMS 1 THROUGH 3, 6, 7, 9 THROUGH 15, 17, 19 THROUGH 22, 48
THROUGH 50, 53, 54, 56 THROUGH 62, 64, 66-69, AND 95 THROUGH 102 ARE
NOT OBVIOUS OVER *BURR* IN VIEW OF *RYAN ET AL.***

Appellant argues that Ryan does not teach “generating a recommendation for presentation to a user of the first hand-held device in accordance with the match.” Appellant argues that “at best Ryan et al. may be said to suggest merely presenting an option to call or send a text-message to a user,” but that is allegedly different from the recited claim feature.

The examiner respectfully disagrees with the appellant’s argument. The examiner asserts that Ryan does indeed teach “generating a recommendation for presentation to a user of the first hand-held device in accordance with the match” (Ryan; pars [0232]-[0235]). Ryan teaches determining a match between user A and another user (Ryan; par [0232] – user A and user B are in the same cell site and have friend C in common) and then presenting a recommendation to user A in accordance with the match (Ryan; par [0235] - “*both User A and User B are sent messages which give their phone numbers, allowing them to contact each other.*”) Presenting user A with user B’s phone number so that user A can contact user B clearly constitutes a recommendation presented to user A that he call user B. In other words, presenting user A with a specific phone number that belongs to user B when user B is in within close proximity to user A is clearly a recommendation to user A that he contact user B using that phone number.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

/K. P./

Primary Examiner, Art Unit 2161

Conferees:

/Apu M Mofiz/

Supervisory Patent Examiner, Art Unit 2161

/Mohammad Ali/

Supervisory Patent Examiner, Art Unit 2158